



To promote the economic, social and environmental viability of Northern California by enhancing and preserving the water rights, supplies and water quality of our members.

May 11, 2010

Mr. Phillip Isenberg
Chair, Delta Stewardship Council
650 Capitol Mall
Sacramento, California 95814

VIA E-MAIL
interimplan@deltacouncil.ca.gov

Re: Delta Interim Plan

Dear Mr. Isenberg:

The Northern California Water Association (NCWA) appreciates the opportunity to comment on the contents of an interim Delta plan. NCWA urges the Council to focus that interim plan on actions that either: (1) can be implemented and produce benefits before the final Delta Plan is due on January 1, 2012; or (2) address immediate risks that could result in serious problems before that time. The fact that a considerable amount of work concerning the causes of the Delta's problems is still pending supports this approach because much more relevant information is likely to become available in the next 18 months.

As you know, NCWA is an association of 57 water districts and water users in the Sacramento Valley. NCWA's geographic reach spans over 2,000,000 acres of working farmland and hundreds of thousands of acres of migrating waterfowl habitat. NCWA is dedicated to protecting the water rights and area-of-origin laws that ensure that there will be water to meet these economic and environmental needs.

Pending Work

Given the crisis in the Delta, the Council may feel pressure to do as much as possible as soon as possible and therefore adopt a wide-ranging interim plan. To be effective, however, the Council must resist this temptation and focus its interim plan on those measures on which the Council can make, or can catalyze, significant progress in the next two years. Much effort and many resources have been expended with little resulting improvement in the Delta over the last 20 years, so making measurable progress on important, specific measures would be a key first step for the Council. In contrast, adopting an overly broad interim plan could result in the Council being forced to expend a great deal of time on consistency appeals. Even if those appeals were baseless, the Council would have to divert resources to address them.

The approach of focusing the interim Delta plan on key tasks on which progress can be made quickly is supported by the fact that many studies of the Delta are pending and should produce significant information that the Council may consider in developing its long-term Delta plan. These studies include, among others, the on-going work associated with the Bay-Delta Conservation Plan, the second stage of the National Research Council's Delta work, the State Water Resources Control Board's (SWRCB) development of binding San Joaquin River objectives, the SWRCB's development of non-binding Delta flow criteria, and subsequent input from the newly formed Delta Independent Science Board. Moreover, the federal Commerce and Interior Departments recently announced that they plan to integrate the two biological opinions that currently govern the state and federal water project operations that affect the Delta. The Council should not stake any positions on long-term Delta issues while all of these activities – which presumably will produce important information about the causes of the Delta's problems and the ways to address them – are pending.

Items for Interim Plan

While much work about the Delta is pending, the Council has the opportunity to identify measures that can be implemented to improve the Delta's conditions, and mitigate its risks, in the short term. NCWA believes that the interim Delta Plan should include the following items:

1. Development of Delta Disaster Recovery Plan. Perhaps the most important interim step that the Council could take would be to request that the Department of Water Resources, the Bureau of Reclamation and the contractors of the State Water Project and the Central Valley Project develop, and disclose to the public, their plan for addressing the effects of a catastrophic earthquake or flood in the Delta. As we have unfortunately seen with Hurricane Katrina and the on-going oil spill in the Gulf of Mexico, the result of not preparing for a disaster is to make it much, much worse when it occurs. The loss of the export water supplies to the portions of California that depend on them after a Delta earthquake or flood could rival those disasters, at least in economic impact to the state.
2. Implementation of Delta diversion management and enforcement. With last year's water legislation, the state took an important step toward developing a better understanding of its collective water system by requiring all water-right holders to report their diversions. Implementation of this legislation in the Delta is particularly important because there is not much information about in-Delta diversions and because such diversions can directly affect the fish species whose declines are at the heart of the Delta's crisis. Last year's water legislation authorized significant new enforcement staff for the State Water Resources Control Board (SWRCB) and the interim Delta plan should request that the SWRCB focus its new enforcement resources on the Delta to ensure that the Delta's crisis is addressed as much as possible by enforcing the existing water-right system.
3. Resolution of federal issues with Two Gates project. As the state recognized in adopting co-equal goals as the principles to govern Delta management, the decline

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of Delta fish species is intertwined with the decline of the quantity and reliability of Delta-export water supplies. The Council accordingly should seek to expedite the Two Gates demonstration project – which could address both fishery and export water supply concerns – by seeking to coordinate the actions of state and federal agencies with jurisdiction over the project.

4. Central Valley Regional Board analysis of wastewater impacts. There is much dispute concerning whether, and to what extent, municipal and industrial wastewater discharges are impacting Delta fish species. Water quality proceedings under the Porter-Cologne Water Quality Control Act are the appropriate venue to consider this issue. To date, the Central Valley Regional Water Quality Control Board has not conducted such proceedings to consider this issue in detail. As part of its interim Delta planning, the Council should engage the Central Valley Regional Board to determine what would be necessary for it to address the issue.

NCWA again thanks the Council for providing this opportunity for comments on the interim Delta plan and looks forward to working with the Council.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donn Zea". The signature is fluid and cursive, with the first name "Donn" and last name "Zea" clearly distinguishable.

Donn Zea

President and Chief Executive Officer

Cc: Randy Fiorini
Gloria Gray
Patrick Johnston
Hank Nordhoff
Donn Nottoli
Richard Roos-Collins
Joe Grindstaff